

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Werner Wolfgang Rummer,

Plaintiff,

vs.

State of North Dakota, et al.,

Defendants.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 1:12-cv-020

The Plaintiff, Werner Wolfgang Rummer, is an inmate at the North Dakota State Penitentiary. Rummer initiated a civil rights action under 42 U.S.C. § 1983 on March 13, 2012. See Docket No. 8. The complaint alleged civil rights violations arising from a lack of medical care provided to Rummer by prison officials. On February 14, 2014, the Defendants filed a motion for summary judgment. See Docket No. 68. After being granted several lengthy extensions, Rummer filed a response to the motion on September 4, 2014. See Docket No. 79. The Defendants filed a reply brief on October 3, 2014. See Docket No. 87.

On September 28, 2015, Magistrate Judge Charles S. Miller, Jr. issued a Report and Recommendation wherein he recommended the Defendants' motion for summary judgment be granted and Rummer's complaint be dismissed with prejudice. See Docket No. 14. The parties were given fourteen days to file objections to the Report and Recommendation. The time for objections was extended until December 14, 2015. Rummer filed an objection on December 15, 2015. See Docket No. 98.

The Court has carefully reviewed Judge Miller's Report and Recommendation, the relevant case law, and the entire record including Rummer's objection to the Report and Recommendation, and finds the Report and Recommendation to be persuasive. While Rummer may have demonstrated

negligence on the part of the Defendants, there is not sufficient evidence in the record to make out a jury question with respect to Rummer's claims of deliberate indifference to his medical needs. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 95) in its entirety; **GRANTS** the Defendants' motion for summary judgment (Docket No.68); and **DISMISSES** this case with prejudice. The Court certifies that an appeal may be taken in forma pauperis because such an appeal would not be frivolous.

IT IS SO ORDERED.

Dated this 17th day of December, 2015.

/s/ Daniel L. Hovland
Daniel L. Hovland, District Judge
United States District Court